

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Phillip Newberry,

Plaintiff,

v.

Patricia M. Cofty, *et al.*,

Defendants.

Case No. 1:24-cv-4062-RMG

ORDER

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that this action be summarily dismissed because Defendant fails to meet the most minimal pleading standards. (Dkt. No. 27). The Magistrate Judge further recommends that Plaintiff’s motion for a preliminary injunction be denied because he has failed to meet any of the standards for the grant of injunctive relief, including showing a likelihood of success on the merits. (*Id.* at 7-8). Defendant filed no objections to the R & R. The Court adopts the R & R as the order of the Court, denies the motion for injunctive relief, and dismisses this action without further leave to amend.

I. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in

the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

“An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are the heart of the parties’ dispute.’” *Dunlap v. TM Trucking of the Carolinas, LLC*, No. 0:15-cv-04009, 2017 WL 6345402, at *5 n.6 (D.S.C. Dec. 12, 2017) (citation omitted). A specific objection “requires more than a reassertion of arguments from the [pleading] or a mere citation to legal authorities.” *Sims v. Lewis*, No. 6:17-cv-3344, 2019 WL 1365298, at *2 (D.S.C. Mar. 26, 2019). It must “direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Thus, “[i]n the absence of specific objections . . . this court is not required to give any explanation for adopting the recommendation.” *Field v. McMaster*, 663 F. Supp. 2d 449, 451–52 (4th Cir. 2009).

II. Discussion

Plaintiff’s complaint vaguely states that Defendant Cofty, formerly his attorney, conspired against him with essentially no factual allegations to support the claim. Plaintiff does not mention the remaining defendants in his complaint. The Magistrate Judge finds that the complaint fails to meet the most minimal pleading standards, even when applying the liberal standards of review for a *pro se* litigant, and recommends summary dismissal. The Court finds that the Magistrate Judge ably addressed the factual and legal issues in this matter and correctly concluded the action should be dismissed. Further, the Magistrate Judge, noting the summary dismissal of the complaint, recommended the denial of the Plaintiff’s motion for preliminary injunction because the complaint plainly fails to meet the standards for injunctive relief. Again, the Court finds that the Magistrate

Judge ably addressed the factual issues regarding the motion for preliminary injunction and correctly concluded that the motion should be denied.

III. Conclusion

The Court **ADOPTS** the R & R (Dkt. No. 27) as the Order of the Court, **DENIES** Plaintiff's motion for preliminary injunction, and **DISMISSES** this action without further leave to amend.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

November 7, 2024
Charleston, South Carolina